

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GM 1644

In re Application of: WALLACH et al

Application No.: 08/485,129

Filed: June 7, 1995

For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR BIDING

Art Unit: 1644

Examiner: R. Schwadron

Washington, D.C.

Atty.'s Docket: WALLACH=5B

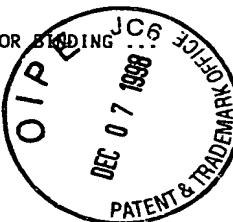
Date: December 7, 1998

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GROUP 180C

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sir:



Transmitted herewith is an [XX] Amendment [ ] in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[ ] No additional fee is required.

The fee has been calculated as shown below:

|   | (Col. 1)                                  | (Col. 2)                              | (Col. 3)         |
|---|---|---------------------------------------|------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA |
| TOTAL                                     | * 17                                      | MINUS                                 | * * 21 = 0       |
| INDEP.                                    | * 4                                       | MINUS                                 | * * * 4 = 0      |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |                                       |                  |

TOTAL ADDITIONAL FEE \$

| SMALL ENTITY         |                | OR | OTHER THAN A SMALL ENTITY |                |
|----------------------|----------------|----|---------------------------|----------------|
| RATE                 | ADDITIONAL FEE |    | RATE                      | ADDITIONAL FEE |
| x 9                  | \$             |    | x 18                      | \$             |
| x 39                 | \$             |    | x 78                      | \$             |
| +130                 | \$             |    | + 260                     | \$             |
| TOTAL ADDITIONAL FEE |                |    | OR                        | TOTAL          |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 55.00
- [ ] Second - \$190.00
- [ ] Third - \$435.00
- [ ] Fourth - \$680.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 110.00
- [XX] Second - \$ 380.00
- [ ] Third - \$ 870.00
- [ ] Fourth - \$1360.00

Month After Time Period Set

[ ] Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_.

[XX] A check in the amount of \$380.00 is attached (check no. 20744).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Art Unit: 1644  
David WALLACH et al ) Examiner: R. Schwadron  
Appln. No.: 08/485,129 ) Washington, D.C.  
Filed: June 7, 1995 ) December 7, 1998  
For: ISOLATED DNA ENCODING TUMOR) ) Atty.Docket: WALLACH=5B  
NECROSIS FACTOR BINDING )  
PROTEIN II, AND VECTORS, )  
HOSTS AND PROCESSES USING )  
SUCH DNA )

AMENDMENT

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Official Action of July 6, 1998,  
petition for a two-month extension of time and late fee being  
attached hereto, please amend as follows:

IN THE CLAIMS

Rewrite claim 11 (thrice-amended) in four-times  
amended form as follows:

11 (Four-times amended). An isolated DNA molecule  
comprising a contiguous [the] nucleotide sequence coding for a  
protein consisting of naturally occurring human Tumor Necrosis  
Factor (TNF) Binding Protein II, herein designated TBP-II, said  
TBP-II including, at the N-terminal region thereof, the amino  
acid sequence: Thr-Pro-Tyr-Ala-Pro-Glu-Pro-Gly-Ser-Thr, said  
protein having the ability to inhibit the cytotoxic effect of  
50V